

## NURSING BOARD[655]

### Notice of Intended Action

#### **Proposing rule making related to administrative and regulatory authority and providing an opportunity for public comment**

The Board of Nursing hereby proposes to amend Chapter 1, “Administrative and Regulatory Authority,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 17A.3.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 135.11B.

#### *Purpose and Summary*

2019 Iowa Acts, House File 766, section 59, created new Iowa Code section 135.11B, which provides the Director of the Iowa Department of Public Health with the authority to hire and supervise the executive directors of the Boards of Medicine, Nursing, and Pharmacy and the Dental Board. Previously, the Board of Nursing hired and supervised its own Executive Director. The Board will now advise and consult with the Director in the hiring and supervision of the Executive Director. This rule making amends rule 655—1.3(17A,147,152) to conform to the Board’s new advisory and consulting role in the hiring and supervising of its Executive Director.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on September 29, 2020. Comments should be directed to:

Kathy Weinberg  
Iowa Board of Nursing  
400 S.W. Eighth Street, Suite B  
Des Moines, Iowa 50309  
Email: [kathy.weinberg@iowa.gov](mailto:kathy.weinberg@iowa.gov)

#### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 29, 2020  
9 to 10 a.m.

Board Office, Suite B  
400 S.W. Eighth Street  
Des Moines, Iowa 50309

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend paragraph **1.3(2)“j”** as follows:

j. ~~Appoint~~ Retain a full-time executive director who, ~~under the direction of the board,~~ is responsible for the administration of policies and programs of the board and for the operation of the board office. ~~Appointment or termination of appointment of the executive director shall require a majority vote of the entire board.~~ Pursuant to Iowa Code section 135.11B, the board shall advise the director of the department of public health in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.